

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:09cv449

MARGIE GAIL DURKEE, <i>et. al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	<u>ORDER</u>
)	
C.H. ROBINSON WORLDWIDE, INC., <i>et. al.</i>,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Motion to Dismiss of Defendants C. H. Robinson Worldwide, Inc. and C. H. Robinson Company (Robinson) [Doc. 66].

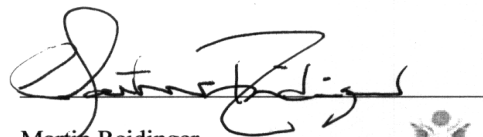
Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this motion and to submit recommendations for its disposition. On July 12, 2010, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended denying the motion to dismiss. [Doc. 76]. In the Recommendation, the parties were advised that any objections to the Magistrate Judge's conclusions and

recommendations were to be filed in writing within fourteen days of service thereof and that failure to file objections would preclude the parties from raising any objection on appeal. [Doc. 76, at 9]. The period within which to file objections expired on July 29, 2010 and no written objections to the Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss of Defendants C. H. Robinson Worldwide, Inc. and C. H. Robinson Company (Robinson) [Doc. 66] is hereby **DENIED**.

Signed: August 3, 2010


Martin Reidinger
United States District Judge

